

EXHIBIT 29



Marcus Gaskins <ipgask87@aacounty.org>

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## Chestnut Avenue Property - P2015-0064-01-NS

9 messages

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Jim Krapf <jkrapf@elmstreetdev.com>

Tue, Mar 7, 2017 at 1:17 PM

To: Lori Allen <pzalle00@aacounty.org>, "David Braun (ipbrau93@aacounty.org)" <ipbrau93@aacounty.org>

Cc: Chris Soldano <pzsold00@aacounty.org>, Karen Llanes <pzllan00@aacounty.org>, "Marcus Gaskins

(ipgask87@aacounty.org)" <ipgask87@aacounty.org>, "tschuman@bayengineering.com"

<tschuman@bayengineering.com>

Good Afternoon,

I am writing as a follow-up to the meeting held on February 17, 2017 regarding the above-referenced project. As discussed in the meeting, we planned to submit point-by-point response letters, associated plans and any additional information necessary directly to OPZ (Lori & Karen) and I&P (David & Marcus) to address draft Sketch Plan comments received to date. These direct submittal packages were delivered earlier today. Finally, as noted in our meeting, the critical goal for this project is to secure APF via Sketch Plan approval given the timing of the current school chart. We would greatly appreciate your assistance in accomplishing this as the school chart was passed at Council last night and will become effective within 45 days after its signing. Please let us know if any questions arise during the review or if any additional information would be helpful. Thanks for your assistance,

Jim

James R. Krapf

Elm Street Development

175 Admiral Cochrane Drive, Suite 112

Annapolis, MD 21401

Office: 410.266.9700

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Marcus Gaskins <ipgask87@aacounty.org>

Wed, Mar 8, 2017 at 4:45 PM

To: Jim Krapf <jkrapf@elmstreetdev.com>, "tschuman@bayengineering.com" <tschuman@bayengineering.com>

Cc: Lori Allen <pzalle00@aacounty.org>, "David Braun (ipbrau93@aacounty.org)" <ipbrau93@aacounty.org>, Chris

Soldano <pzsold00@aacounty.org>, Karen Llanes <pzllan00@aacounty.org>

Good evening:

After receiving the Sketch Plan Resubmittal for Chestnut Avenue on March 7, 2017, I quickly looked at what we received. In response to a telephone conversation today with the consultants to talk about APF for Storm Drainage, it was noted that no changes were made to the flood plain study nor were any made to the Stormwater Management Drainage Areas/ESD volume/SWM Report. Please review the following comments:

- 1) Sheet 3 drainage areas are different than sheet 15 drainage areas, which are different than sheet 17 drainage areas, which are different from the Floodplain sheet 2 drainage areas. Please provide clarification on how these are all different.
- 2) In Section 7.8.2(A)(iv.) of the AA County Stormwater Management Practices and Procedures Manual, it states delineation of a floodplain for a simplified flood plain study may be utilized for single family lot permits, and minor subdivisions of five lots or less only (which uses the mannings equation for cross sections). Therefore, this method is not applicable here.
- 3) In Section 7.2.2(B) states "The following information addresses methods to be used to establish that flood plain areas are contained within easements or dedicated to a public entity....b. The plan should include all properties from the site outfalls to the points of investigation... c. Each property must be clearly delineated and cross referenced to the supporting information provided. Therefore, the existing Step Pool Stormwater Conveyance System must be included in the study.
- 4) Verify whether or not the following conditions are valid and provide a response for the most current design (65 townhomes with Stormwater Management): Records indicate the existing Step Pool Stormwater Conveyance System is a State Highway Administration facility. After an initial review on how to address adding flow to state facilities, a document was located that states "If the proposed drainage facilities from the development are to connect directly to State Highway Administration drainage facilities from upstream or downstream, the onsite storm drain facilities must conform with the State Highway Administrations criteria...Plans for these projects must be approved by SHA." (page 21—[https://www.roads.maryland.gov/OHD2/Highway\\_Drainage\\_Manual-part-1.pdf](https://www.roads.maryland.gov/OHD2/Highway_Drainage_Manual-part-1.pdf)).
- 5) The Maryland Department of Environment is currently reviewing the information to see if they knew that there is an existing State Highway Administration Stormwater Management Facility that is part of this site. More information will be provided once received.

v/r,

Marcus Gaskins  
Engineer III  
Engineering Division  
Department of Inspection and Permits  
2664 Riva Road  
Annapolis, MD 21401  
(410)222-6841

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Terry Schuman <[tschuman@bayengineering.com](mailto:tschuman@bayengineering.com)>

Wed, Mar 8, 2017 at 7:18 PM

To: David Braun <[ipbrau93@aacounty.org](mailto:ipbrau93@aacounty.org)>

Cc: Jim Krapf <[jkrapf@elmstreetdev.com](mailto:jkrapf@elmstreetdev.com)>, Chris Soldano <[pzsold00@aacounty.org](mailto:pzsold00@aacounty.org)>, Karen Llanes <[pzllan00@aacounty.org](mailto:pzllan00@aacounty.org)>, Lori Allen <[pzalle00@aacounty.org](mailto:pzalle00@aacounty.org)>, Marcus Gaskins <[ipgask87@aacounty.org](mailto:ipgask87@aacounty.org)>

David,

I did speak with Marcus earlier today and, after our discussion we are clearly not on the same page nor do I think we will get on the same page without some help from you. I know Elm Street Development has a very pressing deadline to get Sketch Approval and in order to get Sketch plan approval I would like to request that we meet as soon as possible to review Marcus's concerns and why I disagree. Based on the comments from Marcus below,

we clearly need to meet in order to resolve outstanding issues.

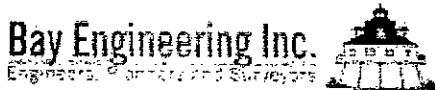
Please let me know your availability and I will make arrangements to clear my schedule whenever you are available.

In the meantime, I have included comments to Marcus' comments below in red caps.

Terry

Terry L. Schuman, P.E.

\*\*\*Please note our new address below\*\*\*\*



2661 Riva Road, Building 800

Annapolis, MD 21401

410.897.9290

410.897.9295 fax

[www.bayengineering.com](http://www.bayengineering.com)

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**From:** Marcus Gaskins [mailto:[ipgask87@aacounty.org](mailto:ipgask87@aacounty.org)]

**Sent:** Wednesday, March 08, 2017 4:45 PM

**To:** Jim Krapf; [tschuman@bayengineering.com](mailto:tschuman@bayengineering.com)

**Cc:** Lori Allen; David Braun ([ipbrau93@aacounty.org](mailto:ipbrau93@aacounty.org)); Chris Soldano; Karen Llanes

**Subject:** Re: Chestnut Avenue Property - P2015-0064-01-NS

Good evening:

After receiving the Sketch Plan Resubmittal for Chestnut Avenue on March 7, 2017, I quickly looked at what we received. In response to a telephone conversation today with the consultants to talk about APF for Storm Drainage, it was noted that no changes were made to the flood plain study nor were any made to the Stormwater Management Drainage Areas/ESD volume/SWM Report. Please review the following comments:

1) Sheet 3 drainage areas are different than sheet 15 drainage areas, which are different than sheet 17 drainage

areas, which are different from the Floodplain sheet 2 drainage areas. Please provide clarification on how these are all different. I AGREE ALL 3 DRAINAGE AREA MAPS ARE DIFFERENT AND ALL THREE (3) SERVE DIFFERENT PURPOSES AND ARE INDEED DIFFERENT FROM ONE ANOTHER. PLEASE NOTE THE FOLLOWING:

SHEET 3 (OUTFALL ANALYSIS PLAN) – THIS DRAINAGE AREA IS FOR THE SITE OUTFALL WHICH WE HAVE TWO LOCATIONS) AS WELL AS DETERMINING THE POI FOR THE PROJECT AND SHOWING THE OVERALL DA TO THIS POI.

SHEET 17 (SWM DRAINAGE AREA PLAN) – THIS DRAINAGE AREA MAP IS CERTAINLY DIFFERENT AS THE PURPOSE OF THESE DRAINAGE AREA WERE TO DETERMINE THE PRE AND POST DRAINAGE AREAS TO THE SITE OUTFALL #1 AND #2. I THINK A POINT OF CONTENTION IS THE FUTURE DEVELOPMENT PARCEL (PARCEL 265 LOTS 26 AND 27 AND PARCEL 198) WHICH NO DEVELOPMENT IS PROPOSED, HOWEVER, WHEN IT DOES DEVELOP ESD WILL BE PROVIDED ON-SITE WITH THE OUTFALL BEING SITE OUTFALL #1 AND THE EXISTING SPSC SYSTEM BUILT BY THE SHA. THE SHA DESIGN INCLUDED THIS PROPERTY IN THE DESIGN OF THE CONVEYANCE.

SHEET 2 OF 2 (HEC-RAS FLOODPLAIN STUDY) – THIS DRAINAGE AREA STUDY WAS WHAT WE USED TO DETERMINE FLOWS TO THE UPPER REACH OF OUR PROPERTY BOUNDARY (DA A) AND FOR THE PORTION COMING FROM THE SITE (DA B) AND THE AREA DOWNSTREAM OF THE SITE TO THE LIMITS OF THE HEC RAS ANALYSIS (DA C) SO WE COULD COMPUTE THE 100 YEAR FLOWS TO THE SITE THROUGH THE SITE AND AT BEGINNING POINT OF THE HEC-RAS STUDY A COUPLE OF HUNDRED FEET DOWNSTREAM OF OUR PROPERTY SO WE COULD ADD SOME BEGINNING SECTIONS TO THE HEC-RAS AND ALLOW FOR THE BACKFLOW AND A MORE TRUE FLOODPLAIN DELINEATION ALONG OUR PROPERTY.

2) In Section 7.8.2(A)(iv.) of the AA County Stormwater Management Practices and Procedures Manual, it states delineation of a floodplain for a simplified flood plain study may be utilized for single family lot permits, and minor subdivisions of five lots or less only (which uses the manning's equation for cross sections). Therefore, this method is not applicable here. I THINK YOU ARE READING OR INTERPRETING THIS INCORRECTLY. FIRST WE ARE USING HEC-RAS AS OUR DETAILED METHOD OF MODELING AND DETERMINING THE FLOODPLAIN STUDY. WHAT YOU ARE REFERRING TO IS THE ALLOWANCE OF SIMPLE MANNING EQUATION IN THESE SMALLER PROJECTS TO DETERMINE CROSS SECTIONS AND FLOODPLAIN ELEVATIONS. IF I READ INTO YOUR COMMENT I CAN ONLY ASSUME YOU ARE REFERRING TO OUR USE OF MANNING EQUATION AT THE STARTING HEC-RAS SECTION TO DETERMINE THE STARTING WATER DEPTH FOR OUR DETAILED HEC-RAS STUDY? THE STARTING WATER SURFACE ELEVATION FOR THE STREAM WAS BASED ON NORMAL DEPTH. FOR THE BOUNDARY CONDITION OF THIS STREAM IN HEC-RAS, NORMAL DEPTH WAS SELECTED TO ESTABLISH THE STARTING WATER SURFACE AT THE DOWNSTREAM END OF THE RIVER SYSTEM, AND THE SLOPE FOR THE CHANNEL BOTTOM WAS INPUT. HEC-RAS USES THIS SLOPE TO CALCULATE THE NORMAL DEPTH AT THE DOWNSTREAM END OF THE STREAM USING MANNING'S EQUATION. AGAIN I DON'T THINK YOU ARE INTERPRETING THE DESIGN MANUAL FOR FLOODPLAIN DETERMINATION CORRECTLY? I WOULD ALSO LIKE TO POINT OUT THE FLOODPLAIN WAS PREVIOUSLY REVIEWED AND APPROVED WITH THE PREVIOUS SKETCH PLAN AND WHETHER OUR SUBDIVISION WAS CHANGED FROM THE PREVIOUS 45 UNITS TO A 1000 UNITS THE FLOODPLAIN WOULD NOT HAVE CHANGED. AGAIN WHY ARE WE HAVING TO REINVENT THE WHEEL ON A FLOODPLAIN STUDY THAT WAS PREVIOUSLY REVIEWED AND APPROVED?

3) In Section 7.2.2(B) states "The following information addresses methods to be used to establish that flood plain areas are contained within easements or dedicated to a public entity....b. The plan should include all properties from the site outfalls to the points of investigation... c. Each property must be clearly delineated and cross referenced to the supporting information provided. Therefore, the existing Step Pool Stormwater Conveyance System must be included in the study. THE EXISTING SPSC IS PART OF THE PROPERTY AND OUR FLOODPLAIN STUDY DID ESTABLISH THE FLOODPLAIN ACROSS THE ENTIRE STREAM WITHIN OUR LIMITS OF THE PROPERTY? AGAIN TRYING TO UNDERSTAND THE QUESTION AS LONG AS OUR SECTIONS EVALUATED THE PROFILE OF THE EXISTING CONDITIONS THEN WHAT IS THE ISSUE? REFER TO THE SECTIONS ON SHEET 1 OF 2 OF OUR STUDY AND WE DID ADD SECTIONS INTO OUR FLOODPLAIN REPORT AS A RESULT OF THE LAST SET OF COMMENTS AND OUR MEETING.

4) Verify whether or not the following conditions are valid and provide a response for the most current design (65 townhomes with Stormwater Management): Records indicate the existing Step Pool Stormwater Conveyance System is a State Highway Administration facility. After an initial review on how to address adding flow to state facilities, a

document was located that states "If the proposed drainage facilities from the development are to connect directly to State Highway Administration drainage facilities from upstream or downstream, the onsite storm drain facilities must conform with the State Highway Administrations criteria...Plans for these projects must be approved by SHA." (page 21— [https://www.roads.maryland.gov/OHD2/Highway\\_Drainage\\_Manual-part-1.pdf](https://www.roads.maryland.gov/OHD2/Highway_Drainage_Manual-part-1.pdf)). NO QUESTION WE WILL NEED SHA APPROVAL AND TO MY UNDERSTANDING THEY HAVE REVIEWED AND APPROVED OUR SKETCH PLAN? ALSO WOULD LIKE TO MENTION AS SHOWN ON OUTFALL #1 ANALYSIS AS DETAILED IN OUR REPORT WE PERFORMED A DETAILED ANALYSIS OF THIS OUTFALL AND CONVEYANCE AND SHOW THAT IT IS ADEQUATELY SIZED FOR THE DEVELOPMENT AS DESIGNED. REFER TO PAGES 6 AND 7 OF OUR SWM REPORT.

5) The Maryland Department of Environment is currently reviewing the information to see if they knew that there is an existing State Highway Administration Stormwater Management Facility that is part of this site. More information will be provided once received. NOT REAL CLEAR ON THIS COMMENT? DID YOU NOTIFY MDE BECAUSE YOU WERE CONCERNED THEY DID NOT KNOW ABOUT THIS EXISTING SPSC? IS IT MDE WETLANDS OR MDE SWM? IF MDE SWM, DOESN'T THE COUNTY REVIEW THE SWM AND NOT MDE? AGAIN I WOULD LIKE TO POINT OUT THAT WE DID GO THROUGH A FORMAL MDE WETLAND REVIEW PROCESS WHICH RESULTED IN THE ISSUANCE OF A WETLAND PERMIT FOR OUR DISTURBANCES AS CURRENTLY SHOWN. WITH THIS DETAILED REVIEW BY MDE WE SUBMITTED OUR FLOODPLAIN STUDY, SWM COMPUTATIONS, AND THE FULL SET OF PLANS WITH ALL OF THESE DOCUMENTS SHOWING THE EXISTING SPSC SYSTEM. I LOOK FORWARD TO WHATEVER MDE PROVIDES AS RESULT OF THEIR REVIEW.

v/r,

Marcus Gaskins

Engineer III

Engineering Division

Department of Inspection and Permits

2664 Riva Road

Annapolis, MD 21401

(410)222-6841

On Tue, Mar 7, 2017 at 1:17 PM, Jim Krapf <jkrapf@elmstreetdev.com> wrote:

Good Afternoon,

I am writing as a follow-up to the meeting held on February 17, 2017 regarding the above-referenced project. As discussed in the meeting, we planned to submit point-by-point response letters, associated plans and any additional information necessary directly to OPZ (Lori & Karen) and I&P (David & Marcus) to address draft Sketch Plan comments received to date. These direct submittal packages were delivered earlier today. Finally, as noted in our meeting, the critical goal for this project is to secure APF via Sketch Plan approval given the timing of the current school chart. We would greatly appreciate your assistance in accomplishing this as the school chart was passed at Council last night and will become effective within 45 days after its signing. Please let us know if any

questions arise during the review or if any additional information would be helpful. Thanks for your assistance,

Jim

**James R. Krapf**

Elm Street Development

175 Admiral Cochrane Drive, Suite 112

Annapolis, MD 21401

Office: 410.266.9700

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**Marcus Gaskins** <ipgask87@aacounty.org>

Thu, Mar 9, 2017 at 7:45 AM

To: Terry Schuman <tschuman@bayengineering.com>

Cc: David Braun <ipbrau93@aacounty.org>, Jim Krapf <jkrapf@elmstreetdev.com>, Chris Soldano <pzsold00@aacounty.org>, Karen Llanes <pzllan00@aacounty.org>, Lori Allen <pzalle00@aacounty.org>

Bcc: John Bory <ipbory00@aacounty.org>

Good morning:

After additional review of your comments, please provide responses to the following:

- 1) The SHA requirements for peak management requires the 25 year storm be managed and no increase in flow be provided at the discharge point and the state uses a different method to do their calculations currently. Verify this is correct, but this would not affect APF for Storm Drainage.
- 2) The 25 year storm must be assessed for the culvert at your POI at Wigley Avenue based upon the Standard Storm Drain Design Detail SD-1. Verify this was done.
- 3) Since the proposed Step Pool Stormwater Conveyance System is being used for ESD volume and peak management, it falls under an Extreme Flood Control condition for Section 7.7 of the AA County Stormwater Practices and Procedures Manual, which states "Flood plain areas downstream of the site are not contained within easements that preclude development or are dedicated to Anne Arundel County Government or other public entity that has the ability to control development within the flood plain" and "The point of investigation for the 100 year storm is to be determined for overbank flood protection."
- 4) Under Section 7.4 of the AA County Stormwater Practices and Procedures Manual, it states that mitigation is required for this project since there is both peak management and extreme flood control that is being used in a Step Pool Stormwater Conveyance System, which is not considered to be on-site management. Records indicate that no mitigation has been approved.
- 5) The Maryland Department of Environment representative, named William Seiger (Chief of the Waterway Construction Division), stated over the phone yesterday that the exiting SHA Step Pool Stormwater Conveyance System (SHA BMP No. 021157) should be the for starting point for your study.

v/r,

Marcus Gaskins  
Engineer III  
Engineering Division  
Department of Inspection and Permits  
2664 Riva Road  
Annapolis, MD 21401  
(410)222-6841

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David Braun <ipbrau93@aacounty.org>

Thu, Mar 9, 2017 at 7:50 AM

To: Terry Schuman <tschuman@bayengineering.com>

Cc: Jim Krapf <jkrapf@elmstreetdev.com>, Marcus Gaskins <ipgask87@aacounty.org>, Chris Soldano <pzsold00@aacounty.org>, Karen Llanes <pzllan00@aacounty.org>, Lori Allen <pzalle00@aacounty.org>

Terry:

If we need to discuss I am available at 1:00 Friday afternoon (3/10).

David

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—  
David C. Braun, P.E.  
Manager  
Engineering Division  
Department of Inspections and Permits  
2664 Riva Road  
Annapolis, MD 21401  
410-222-7790

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Terry Schuman <tschuman@bayengineering.com>

Thu, Mar 9, 2017 at 8:12 AM

To: David Braun <ipbrau93@aacounty.org>

Cc: Jim Krapf <jkrapf@elmstreetdev.com>, Marcus Gaskins <ipgask87@aacounty.org>, Chris Soldano <pzsold00@aacounty.org>, Karen Llanes <pzllan00@aacounty.org>, Lori Allen <pzalle00@aacounty.org>

--- Yes I'm confirmed for that time.

Terry

Terry L. Schuman, P.E.

\*\*\*Please note our new address below\*\*\*\*

**Bay Engineering Inc.**  
Engineers, Planners and Surveyors



2661 Riva Road, Building 800



Annapolis, MD 21401

410.897.9290

410.897.9295 fax

www.bayengineering.com

**From:** David Braun [mailto:ipbrau93@aacounty.org]

**Sent:** Thursday, March 09, 2017 7:51 AM

**To:** Terry Schuman

**Cc:** Jim Krapf; Marcus Gaskins; Chris Soldano; Karen Llanes; Lori Allen

**Subject:** Re: FW: Chestnut Avenue Property - P2015-0064-01-NS

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David Braun <ipbrau93@aacounty.org>

Thu, Mar 9, 2017 at 10:53 AM

To: Terry Schuman <tschuman@bayengineering.com>

Cc: Jim Krapf <jkrapf@elmstreetdev.com>, Marcus Gaskins <ipgask87@aacounty.org>, Chris Soldano <pzsold00@aacounty.org>, Karen Llanes <pzllan00@aacounty.org>, Lori Allen <pzalle00@aacounty.org>

OK - we'll meet at 1:00 on Friday March 10 in the second floor conference room.

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Marcus Gaskins <ipgask87@aacounty.org>

Thu, Mar 9, 2017 at 5:50 PM

To: Terry Schuman <tschuman@bayengineering.com>, Jim Krapf <jkrapf@elmstreetdev.com>

Cc: Chris Soldano <pzsold00@aacounty.org>, Karen Llanes <pzllan00@aacounty.org>, Lori Allen <pzalle00@aacounty.org>, David Braun <ipbrau93@aacounty.org>

Good evening:

I look forward to our meeting. Please see the Anne Arundel Code Section 16-2-201(b)(2) which states

-- "if the 100-year-floodplain-elevation-has-not-been-determined, the developer shall-determine the 100-year-  
floodplain elevation-in accordance with the County-Procedures Manual-and delineate the elevation on the  
proposed plans. Plans shall be certified by a design professional."

v/r,

Marcus Gaskins

Engineer III

Engineering Division

Department of Inspection and Permits

2664 Riva Road

Annapolis, MD 21401

(410)222-6841

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**Marcus Gaskins** <ipgask87@aacounty.org>  
To: marcus.gaskins1@gmail.com

Fri, Mar 10, 2017 at 3:41 PM

Marcus Gaskins  
Engineer III  
Engineering Division  
Department of Inspection and Permits  
2664 Riva Road  
Annapolis, MD 21401  
(410)222-3841

----- Forwarded message -----

From: Marcus Gaskins <ipgask87@aacounty.org>  
Date: Thu, Mar 9, 2017 at 5:50 PM  
Subject: Re: Chestnut Avenue Property - P2015-0064-01-NS  
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